

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-26 are pending in the present application. Claims 1-5, 8-12, 15-19 and 22 are amended, and Claims 23-26 are added by the present amendment.

Amendments to the claims and new claims find support in the specification as originally filed, at least at page 15, lines 9-19, and Figure 6. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,442,393 to Hogan in view of U.S. Patent No. 5,854,981 to Wallstedt et al. (herein "Wallstedt") and U.S. Patent No. 6,728,540 to DeSantis et al. (herein "DeSantis"); and Claims 15-21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hogan, in view of Wallstedt, DeSantis and U.S. Patent 6,289,220 to Spear.

Initially, Applicant and Applicant's representative gratefully acknowledge the courtesy of a telephone interview with Examiner Perez on July 20, 2006. During the interview, differences between the claimed inventions and references cited in the outstanding Office Action were discussed. In particular, it was discussed that the references do not appear to teach or suggest selecting base stations based on a communication quality level with respect to each base station at each of plural *identified regions* within a cell of the service area. Further, Examiner Perez indicated that independent claim amendments to recite that feature would likely place the application in condition for allowance. Accordingly, claim amendments discussed during the interview are included herein, and comments discussed during the interview are reiterated below.

Applicant respectfully traverses the rejections of Claims 1-22 and Claims 15-21 under 35 U.S.C. § 103(a) as unpatentable over Hogan in view of Wallstedt and DeSantis or in view of Wallstedt, DeSantis and Spear, with respect to the amended independent claims.

Amended Claim 1 is directed to an operation data creating method for creating operation data that includes, *inter alia*,

- creating quality information indicating the communication quality level with respect to each base station at each of plural identified regions within a cell of the service area;

- selecting a subset of first identified regions from the plural identified regions, a first base station having a highest communication quality level at each identified region in the subset of first identified regions based on the created quality information, said subset of first identified regions including a local position of the mobile station;

- selecting base stations having a second highest or subsequent communication quality level which is lower than the first base station at each identified region in the subset of first identified regions where the first base station has the highest communication quality level based on the created quality information; and

- creating the operation data indicating the selected base stations as other base stations related to the first base station having the highest communication quality level.

Amended independent Claims 8, 15 and 22 include similar features.

In a non-limiting example, Figure 6 shows an operation data creating method that includes creating quality information (e.g., reception level of common control channel) with respect to a base station at each of three small regions identified as (e1), (e2) and (e3) within a cell of service area (a). A base station having a highest communication quality level is selected at each of the identified regions in a subset of identified regions within the service area (e.g., base station 1 at identified regions (e1) and (e3) and base station 2 at identified region (e2)). Neighboring zone table C1 is created to correspond to base station 1. Further, entries of table C1 are populated in accordance with identified regions where base station 1 has the highest communication quality (i.e., e1, e3). Likewise, neighboring zone C2 is created to correspond to base station 2. Further, entries of table C2 are populated in accordance with identified regions where base station 2 has the highest communication quality (i.e., e2).

As discussed during the telephone interview, the references in the Office Action and in particular DeSantis, among other things, fail to disclose or suggest selecting base stations having a second highest or subsequent communication quality level that is lower than a highest communication quality level at each of plural identified regions where a same first base station has the highest communication quality level. In particular, the references do not discuss selecting or identifying any regions within a cell of a base station where a particular base station has a highest communication quality. Hence, Applicant respectfully submits that the combined disclosures of Hogan, Wallstedt and DeSantis, or Hogan, Wallstedt, DeSantis and Spear, fail to teach or suggest “creating quality information indicating the communication quality level with respect to each of the plural identified regions within a cell of the service area,” and “selecting a subset of first identified regions from the plural identified regions, a first base station having a highest communication quality level at each identified region in the subset of first identified regions based on the created quality information,” as recited in independent Claim 1, and as similarly recited in independent Claims 8, 15 and 22.

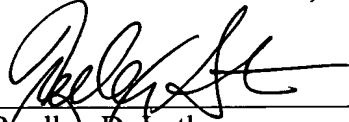
Accordingly, Applicant respectfully submits amended independent Claims 1, 8, 15 and 22, and claims depending therefrom, patentably define over Hogan, Wallstedt, DeSantis and Spear.

Therefore, Applicant respectfully submits that independent Claims 1, 8, 15 and 22, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Zachary S. Stern
Registration No. 54,719

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

BDL:ZSS:dnf

I:\ATTY\ZSS\21'S\210\210681US\210681US-AM.072006.DOC